

SENATE BILL 679

R5

11r1390
CF 11r0982

By: **Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2011

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Overtaking and Passing School Vehicles – School Bus**
3 **Monitoring Cameras**

4 FOR the purpose of authorizing a county board of education, in consultation with a
5 certain local law enforcement agency, to place school bus monitoring cameras on
6 county school buses for the purpose of recording a motor vehicle committing a
7 violation relating to overtaking and passing school vehicles, if authorized by a
8 local law enacted by the governing body of the local jurisdiction; requiring a
9 school bus operator to give a recording of the violation to a certain local law
10 enforcement agency; requiring a recording made by a school bus monitoring
11 camera to include certain images and information; providing that the driver of a
12 motor vehicle recorded committing a certain violation is subject to a certain civil
13 penalty; providing that a civil penalty under this Act may not exceed a certain
14 amount; requiring the District Court to prescribe a certain uniform citation
15 form and civil penalty; requiring a certain local law enforcement agency to mail
16 a certain citation to the owner of a certain motor vehicle within a certain period
17 of time; providing for the contents of a certain citation; authorizing a local law
18 enforcement agency to mail a warning instead of a citation; authorizing a
19 person receiving a certain citation to pay the civil penalty or elect to stand trial;
20 providing that a certain certificate is admissible as evidence in a proceeding
21 concerning a certain violation; providing that a certain adjudication of liability
22 is based on a preponderance of evidence; establishing certain defenses, and
23 requirements for proving the defenses, for a certain violation recorded by a
24 school bus monitoring camera; requiring the District Court to provide certain
25 evidence to a local law enforcement agency under certain circumstances;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 authorizing a local law enforcement agency to mail a certain notice within a
 2 certain time period after receiving certain evidence; authorizing the Motor
 3 Vehicle Administration to refuse to register or reregister a motor vehicle or
 4 suspend the registration of a motor vehicle under certain circumstances;
 5 ~~establishing that a violation for which a civil penalty may be imposed under this~~
 6 ~~Act is a moving violation for certain purposes, may be treated as a parking~~
 7 ~~violation for certain purposes, and may be considered for certain insurance~~
 8 ~~purposes;~~ requiring the Chief Judge of the District Court, in consultation with
 9 certain local law enforcement agencies, to adopt certain procedures; providing
 10 that a proceeding for a certain violation recorded by a school bus monitoring
 11 camera is under the exclusive original jurisdiction of the District Court;
 12 providing that a recorded image of a motor vehicle produced by a school bus
 13 monitoring camera is admissible in a certain proceeding under certain
 14 circumstances; defining certain terms; and generally relating to the use of
 15 school bus monitoring cameras to enforce offenses relating to overtaking and
 16 passing school vehicles.

17 BY repealing and reenacting, with amendments,
 18 Article – Courts and Judicial Proceedings
 19 Section 4–401(13) and 10–311
 20 Annotated Code of Maryland
 21 (2006 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article – Transportation
 24 Section 21–706
 25 Annotated Code of Maryland
 26 (2009 Replacement Volume and 2010 Supplement)

27 BY repealing and reenacting, with amendments,
 28 Article – Transportation
 29 Section 21–706.1
 30 Annotated Code of Maryland
 31 (2009 Replacement Volume and 2010 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 33 MARYLAND, That the Laws of Maryland read as follows:

34 **Article – Courts and Judicial Proceedings**

35 4–401.

36 Except as provided in § 4–402 of this subtitle, and subject to the venue
 37 provisions of Title 6 of this article, the District Court has exclusive original civil
 38 jurisdiction in:

1 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, §
2 **21–706.1**, § 21–809, or § 21–810 of the Transportation Article or § 10–112 of the
3 Criminal Law Article;

4 10–311.

5 (a) A recorded image of a motor vehicle produced by a traffic control signal
6 monitoring system in accordance with § 21–202.1 of the Transportation Article is
7 admissible in a proceeding concerning a civil citation issued under that section for a
8 violation of § 21–202(h) of the Transportation Article without authentication.

9 (b) A recorded image of a motor vehicle produced by a speed monitoring
10 system in accordance with § 21–809 or § 21–810 of the Transportation Article is
11 admissible in a proceeding concerning a civil citation issued under that section for a
12 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

13 (c) **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SCHOOL**
14 **BUS MONITORING CAMERA IN ACCORDANCE WITH § 21–706.1 OF THE**
15 **TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A**
16 **CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21–706 OF**
17 **THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.**

18 (D) In any other judicial proceeding, a recorded image produced by a traffic
19 control signal monitoring system, speed monitoring system, [or] work zone speed
20 control system, **OR SCHOOL BUS MONITORING CAMERA** is admissible as otherwise
21 provided by law.

22 Article – Transportation

23 21–706.

24 (a) If a school vehicle has stopped on a roadway and is operating the
25 alternately flashing red lights specified in § 22–228 of this article, the driver of any
26 other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from
27 the rear of the school vehicle, if approaching the school vehicle from its rear, or at least
28 20 feet from the front of the school vehicle, if approaching the school vehicle from its
29 front.

30 (b) If a school vehicle has stopped on a roadway and is operating the
31 alternately flashing red lights specified in § 22–228 of this article, the driver of any
32 other vehicle meeting or overtaking the school vehicle may not proceed until the school
33 vehicle resumes motion or the alternately flashing red lights are deactivated.

34 (c) This section does not apply to the driver of a vehicle on a divided
35 highway, if the school vehicle is on a different roadway.

1 21-706.1.

2 (a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT
5 AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A
6 CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL
7 TRAFFIC LAWS OR REGULATIONS.

8 (3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR
9 VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR
10 MORE.

11 (II) "OWNER" DOES NOT INCLUDE:

12 1. A MOTOR VEHICLE RENTAL OR LEASING
13 COMPANY; OR

14 2. A HOLDER OF A SPECIAL REGISTRATION PLATE
15 ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

16 (4) "RECORDED IMAGE" MEANS IMAGES RECORDED BY A SCHOOL
17 BUS MONITORING CAMERA:

18 (I) ON:

19 1. TWO OR MORE PHOTOGRAPHS;

20 2. TWO OR MORE MICROPHOTOGRAPHS;

21 3. TWO OR MORE ELECTRONIC IMAGES;

22 4. VIDEOTAPE; OR

23 5. ANY OTHER MEDIUM; AND

24 (II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT
25 LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE
26 REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

27 (5) "SCHOOL BUS MONITORING CAMERA" MEANS A CAMERA
28 PLACED ON A SCHOOL BUS THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE
29 OF A DRIVER OF A MOTOR VEHICLE COMMITTING A VIOLATION.

1 **(6) “VIOLATION” MEANS A VIOLATION OF § 21-706 OF THIS**
 2 **SUBTITLE.**

3 **(B) (1) (I)** If a school bus operator witnesses a violation [of § 21-706 of
 4 this subtitle], the operator may promptly report the violation to [a law enforcement]
 5 AN agency exercising jurisdiction where the violation occurred.

6 **[(2)] (II)** The report, to the extent possible, shall include:

7 **[(i)] 1.** Information pertaining to the identity of the alleged
 8 violator;

9 **[(ii)] 2.** The license number and color of the vehicle involved
 10 in the violation;

11 **[(iii)] 3.** The time and location at which the violation occurred;
 12 and

13 **[(iv)] 4.** An identification of the vehicle as an automobile,
 14 station wagon, truck, bus, motorcycle, or other type of vehicle.

15 **[(b)] (2)** If the identity of the operator of the vehicle at the time the
 16 violation occurred cannot be established, the [law enforcement] agency shall issue to
 17 the registered owner of the vehicle, a warning stating:

18 **[(1)] (I)** That a report of a violation [of § 21-706 of this subtitle] was
 19 made to the [law enforcement] agency and that the report described the owner’s
 20 vehicle as the vehicle involved in the violation;

21 **[(2)] (II)** That there is insufficient evidence for the issuance of a
 22 citation;

23 **[(3)] (III)** That the warning does not constitute a finding that the
 24 owner is guilty of the violation; and

25 **[(4)] (IV)** The requirements of § 21-706 of this subtitle.

26 **(C) (1) (I) ~~A~~ A SCHOOL BUS MONITORING CAMERA MAY NOT BE**
 27 **USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS**
 28 **AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL**
 29 **LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

30 **[(II)] IF AUTHORIZED BY THE GOVERNING BODY OF THE**
 31 **LOCAL JURISDICTION, A COUNTY BOARD OF EDUCATION, IN CONSULTATION**

1 WITH AN AGENCY, MAY PLACE SCHOOL BUS MONITORING CAMERAS ON COUNTY
2 SCHOOL BUSES.

3 (2) IF A SCHOOL BUS MONITORING CAMERA RECORDS A
4 VIOLATION, THE SCHOOL BUS OPERATOR SHALL GIVE THE RECORDING OF THE
5 VIOLATION TO AN AGENCY EXERCISING JURISDICTION WHERE THE VIOLATION
6 OCCURRED.

7 (D) A RECORDING BY A SCHOOL BUS MONITORING CAMERA UNDER THIS
8 SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED
9 A VIOLATION SHALL INCLUDE:

10 (1) AN IMAGE OF THE MOTOR VEHICLE;

11 (2) AN IMAGE OF THE MOTOR VEHICLE'S REAR LICENSE PLATE;

12 (3) THE TIME AND DATE OF THE VIOLATION; AND

13 (4) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
14 VIOLATION.

15 (E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A
16 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE
17 OWNER OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE
18 DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR
19 VEHICLE IS RECORDED BY A SCHOOL BUS MONITORING CAMERA DURING THE
20 COMMISSION OF A VIOLATION.

21 (2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED
22 ~~\$500~~ \$250.

23 (3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT
24 SHALL PRESCRIBE:

25 (I) A UNIFORM CITATION FORM CONSISTENT WITH
26 SUBSECTION (F)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE;
27 AND

28 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE
29 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL
30 PENALTY WITHOUT APPEARING IN DISTRICT COURT.

31 (F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH
32 (4) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE

1 OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT
2 SHALL INCLUDE:

3 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER
4 OF THE VEHICLE;

5 (II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE
6 INVOLVED IN THE VIOLATION;

7 (III) THE VIOLATION CHARGED;

8 (IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE
9 VIOLATION;

10 (V) THE DATE AND TIME OF THE VIOLATION;

11 (VI) A COPY OF THE RECORDED IMAGE;

12 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE
13 DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;

14 (VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY
15 THE LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED
16 IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION
17 OF A VIOLATION;

18 (IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE
19 OF A VIOLATION; AND

20 (X) INFORMATION ADVISING THE PERSON ALLEGED TO BE
21 LIABLE UNDER THIS SECTION:

22 1. OF THE MANNER AND TIME IN WHICH LIABILITY
23 AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;
24 AND

25 2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
26 CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND
27 MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE
28 REGISTRATION.

29 (2) THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING
30 NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION
31 (E) OF THIS SECTION.

1 **(3) EXCEPT AS PROVIDED IN SUBSECTION (H)(5) OF THIS**
2 **SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO**
3 **LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.**

4 **(4) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1)**
5 **OF THIS SUBSECTION MAY:**

6 **(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH**
7 **INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY OR THE DISTRICT**
8 **COURT; OR**

9 **(II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.**

10 **(G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED,**
11 **SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF THE AGENCY,**
12 **BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SCHOOL BUS**
13 **MONITORING CAMERA SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE**
14 **CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING**
15 **THE ALLEGED VIOLATION.**

16 **(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**
17 **PREPONDERANCE OF EVIDENCE.**

18 **(H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**
19 **VIOLATION:**

20 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
21 **THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE**
22 **WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE**
23 **CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;**

24 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
25 **EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING**
26 **THE VEHICLE AT THE TIME OF THE VIOLATION; AND**

27 **(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**
28 **COURT DEEMS PERTINENT.**

29 **(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR**
30 **THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED**
31 **AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE**
32 **TIME OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE**

1 REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS
2 FILED IN A TIMELY MANNER.

3 (3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH
4 (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL
5 PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE
6 DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
7 VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT
8 ADDRESS.

9 (4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO
10 A CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED
11 GROSS WEIGHT OF 26,001 POUNDS OR MORE, CLASS F (TRACTOR) VEHICLE,
12 CLASS G (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F
13 (TRACTOR) VEHICLE, AND CLASS P (PASSENGER BUS) VEHICLE.

14 (II) TO SATISFY THE EVIDENTIARY BURDEN UNDER
15 PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION
16 DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO
17 THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND
18 MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

19 1. STATES THAT THE PERSON NAMED IN THE
20 CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION;
21 AND

22 2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S
23 LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE
24 VEHICLE AT THE TIME OF THE VIOLATION.

25 (5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON
26 NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF
27 THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS
28 SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF
29 THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW
30 ENFORCEMENT AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE
31 SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE
32 VIOLATION.

33 (II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM
34 THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN
35 AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF THIS
36 SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE
37 VEHICLE AT THE TIME OF THE VIOLATION.

1 (III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF
2 THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT
3 OF THE EVIDENCE FROM THE DISTRICT COURT.

4 (I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT
5 CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER
6 OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

7 ~~(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS~~
8 ~~SECTION;~~

9 ~~(1) IS A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING~~
10 ~~POINTS UNDER § 16 402 OF THIS ARTICLE AND MAY BE RECORDED BY THE~~
11 ~~ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE~~
12 ~~VEHICLE;~~

13 ~~(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES~~
14 ~~OF § 26 305 OF THIS ARTICLE; AND~~

15 ~~(3) MAY BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE~~
16 ~~INSURANCE COVERAGE.~~

17 ~~(K)~~ (J) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE
18 CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE
19 ISSUANCE OF CITATIONS, THE TRIAL OF VIOLATIONS, AND THE COLLECTION OF
20 CIVIL PENALTIES UNDER THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.